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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,520	03/04/2002	Gary Odom		6595

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EXAMINER	
CERVETTI, DAVID GARCIA	
ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,520	ODOM, GARY	
	Examiner	Art Unit	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed May 1, 2006, have been fully considered.

2. Claims 27-49 are pending and have been examined. Claims 1-26 have been cancelled.

3. Applicant's arguments with respect to claim 27-49 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

4. The objections to the drawings are withdrawn.

5. The objections to the claims 31 and 39 are withdrawn.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: indicating an end of signature input recording, and storing the created signature.

8. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 42 recites the limitation "the first authentication step". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 27-are rejected under 35 U.S.C. 102(b) as being anticipated by Matchett et al. (US Patent 5,229,764, hereinafter Matchett).

Regarding claim 27, Matchett teaches

a computer-implemented method for creating a signature for subsequent authentication comprising (column 4, lines 30-67, column 5, lines 1-15):

- indicating to a user commencement of signature input recording (column 5, lines 16-68);
- creating a signature by at least in part recording input signals by type from at least one user- selected device among a plurality of selectable user input devices (column 6, lines 1-68),
- wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device (column 6, lines 1-68), and
- wherein at least one user-selectable input device affords recording a plurality of signal types (column 6, lines 1-68), and

- wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device (column 6, lines 1-68).

Regarding claim 35, Matchett teaches

a computer-implemented method for creating a signature for subsequent authentication comprising (column 4, lines 30-67, column 5, lines 1-68):

- receiving user selection of at least one signal type among a plurality of selectable signal types (column 6, lines 1-68);
- recording input data of at least one signal type from at least one user-selected input device among a plurality of selectable user input devices (column 6, lines 1-68),
- wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device (column 6, lines 1-68), and
- wherein at least one user-selectable input device affords recording a plurality of signal types (column 6, lines 1-68); and
- creating a signature comprising at least in part said input data of said user-selected signal types (column 6, lines 1-68).

Regarding claim 42, Matchett teaches

a computer-implemented method for incrementally authenticating a signature while receiving user input comprising (column 4, lines 30-67, column 5, lines 1-68):

- iteratively receiving a plurality of portions of user input data and performing a corresponding authentication step for each portion (column 11, lines 30-68),
- wherein the first authentication step upon receiving a first portion of said user input comprises accumulating keys based upon matching correspondingly key data to said first portion of user input data (column 11, lines 30-68),
- wherein a key comprises at least in part a portion of a previously stored signature, said signature divisible into portions, said keys associating portions sequentially either integrally or by reference (column 11, lines 30-68),
- wherein, upon receiving each subsequent portion after said first portion, discarding from further processing previously accumulated keys based upon failure in matching respective key data to said user input data portion (column 11, lines 30-68); and
- whereby continuing said iterative process until completing authentication by matching said last key to corresponding said user input data portion, or by process of elimination determining authentication impossible (column 11, lines 30-68).

Regarding claim 46, Matchett teaches

a computer-implemented method for storing the signatures of a plurality of users comprising (column 4, lines 30-67, column 5, lines 1-68):

- recording a plurality of signatures comprising data of a plurality of transmission types and signal types (column 6, lines 1-68),

- wherein a transmission type comprises indicia of a user-selected input device among a plurality of user-selectable devices (column 6, lines 1-68),
- wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user input device (column 6, lines 1-68), and
- wherein at least two signals types are associated with at least one single input device (column 6, lines 1-68); and
- partitioning said signature data by transmission type and by signal type (column 9, lines 10-68).

Regarding claim 48, Matchett teaches

a computer-implemented method for creating a signature comprising (column 4, lines 30-67, column 5, lines 1-68):

- recording user input of a plurality of signal types from at least one user-selected device among a plurality of user-selectable devices (column 6, lines 1-68),
- wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user input device (column 6, lines 1-68);
- receiving user selection among those signal types recorded (column 5, lines 1-68),
- whereby receiving user selection of at least one less signal type than recorded for said device (column 6, lines 1-68);

- creating a signature comprising at least in part said user-selected signal types (column 6, lines 1-68).

Regarding claims 28 and 36, Matchett teaches wherein said recording comprises signals from a plurality of user-selected devices (column 6, lines 1-68).

Regarding claim 29, Matchett teaches receiving user selection of at least one signal type from a plurality of signal types associated with at least one user input device (column 5, line 15 to column 6, line 48).

Regarding claim 30, Matchett teaches passively terminating authentication comparison of a subsequent signature submission to said recording, thereby authenticating said subsequent signature; and wherein said signature comprises at least in part signal input that is user-controllable in duration (column 11, lines 30-68).

Regarding claims 31 and 39, Matchett teaches

- comparing a subsequent signature submission to said recording, and
- accepting said comparison within a predetermined degree / designated tolerance of inexactness,
- thereby authenticating said subsequent signature (Abstract, column 6, lines 1-68).

Regarding claim 37, Matchett teaches that said recording precedes said receiving signal type selection (column 4, lines 30-67, column 5, lines 1-15).

Regarding claim 38, Matchett teaches wherein at least one said signal type comprises input from a plurality of devices (column 6, lines 1-68).

Regarding claim 41, Matchett teaches wherein said recording comprises a plurality of user-selected signal types (column 6, lines 1-68).

Regarding claim 43, Matchett teaches wherein accepting said match within a designated tolerance of inexactness (Abstract, column 6, lines 1-68).

Regarding claim 44, Matchett teaches wherein accessing at least one key by reference from another key (Abstract, column 6, lines 1-68).

Regarding claim 45, Matchett teaches wherein said first portion comprises input from a plurality of devices (column 6, lines 1-68).

Regarding claim 47, Matchett teaches storing a signature at least in part by partitioning said signature into portions by signal type, such that at least one portion references another portion of said signature (column 9, lines 10-68).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 32-34, 40, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett.

Regarding claim 32, Matchett does not expressly disclose wherein said predetermined degree comprises a user-designated tolerance. However, Matchett teaches setting the threshold and receiving a threshold in connection with the discussion of figures 5 and 6A-B (column 10), is mute regarding who/what provides the

threshold, but suggests the user may supply it (column 10, lines 10-35). Therefore, it would have been obvious to allow a user to provide a threshold value since Matchett teaches inputting the threshold value.

Regarding claims 33-34, 40 and 49, Matchett does not expressly disclose editing or updating the signature or a part of the signature. However, Matchett teaches signatures that are not entirely comprised of text-character codes (Summary, column 3) and Examiner takes Official Notice that editing/updating data was conventional and well known at the time the invention was made (admitted by Applicant). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow users to edit/update the biometric information of the system of Matchett.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

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